

## **REMARKS**

The Office Action mailed March 28, 2008 has been carefully considered. Within the Office Action Claims 1, 3-9, 12-20, 22, 23, 26, 27, 30, 31 and 37-42 have been rejected. The Applicants have amended Claims 1, 12, 37 and 39. Reconsideration in view of the following remarks is respectfully requested.

### **Rejection under 35 U.S.C. § 103**

Claims 1, 3-9, 12-20, 22, 23, 26, 27, 30, 31 and 37-42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Menahem, U.S. Patent No. 5,142,931 (hereinafter “Menahem”) in view of Salcudean et al., U.S. Patent No. 5,790,108 (hereinafter “Salcudean”). The Applicants respectfully traverse.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991).

In determining obviousness four factual inquiries must be looked into in regards to determining obviousness. These are determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims in issue; resolving the level of ordinary skill in the pertinent art; and evaluating evidence of secondary consideration. Graham v. John Deere, 383 U.S. 1 (1966); KSR Int’l Co. v. Teleflex, Inc., No 04-1350 (U.S. Apr. 30, 2007) (“ Often, it will be necessary . . . to look into related teachings of multiple patents; the

effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit.**") (emphasis added).

The combination of Menahem and Salcudean does not teach or suggest each and every element/limitation in Claim 1. In particular, Claim 1 recites, *inter alia*, a housing having a fixed portion and **a first moveable portion** defined as a first partial outer surface of the housing and **a second moveable portion** defined as a partial second outer surface of the housing located opposite to the first partial outer surface, the housing to be grasped by a user and the fixed portion moveable in three dimensions with respect to ground during operation, **the first and second moveable portions configured to be selectively moved toward and away each other** and an actuator coupled to the flexure member, the actuator configured to output haptic feedback to the first and second moveable portions of the housing via the flexure member. (emphasis added).

Although it is stated in the office action that Menahem and Salcudean mention a moveable button, neither reference teaches or suggests first and second moveable portions on opposite sides which are configured to be selectively moved toward and away from each other. Additionally, neither reference teaches or suggests that the actuator outputs haptic feedback to the first and second moveable portions of the housing via the flexure member, as in Claim 1. Accordingly, the combination does not teach or suggest every element/limitation in Claim 1. Accordingly, Claim 1 is non-obvious and allowable over the cited references.

With regard to Claims 12 and 37, they recite, *inter alia*, a housing adapted to be engaged to an arm of a linkage mechanism about a pivot point, **the linkage mechanism located**

**externally from the housing and configured to suspend the housing therefrom** and allow the housing to move in three dimensions relative to ground while suspended thereto. (emphasis added).

Although it is argued in the office action that Menaheim discloses a linkage mechanism, there is no teaching or suggestion that the linkage is configured to suspend the housing therefrom and allow the housing to move in three dimension relative to the ground while suspended. Accordingly, the combination does not teach or suggest every element/limitation in Claims 12 and 37. Accordingly, Claims 12 and 37 are non-obvious and allowable over the cited references.

Claims 3-9, 30, and 38 are dependent on Independent Claim 1, which is allowable for at least the reasons stated above. Additionally, Claims 13-20, 22, 23, 26, 27, 31, and 39 are dependent on Independent Claim 12, which is allowable for at least the reasons stated above. Accordingly, Claims 3-9, 13-20, 22, 23, 26, 27, 30, 31, 38 and 39 are allowable for being dependent on allowable base claims.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,  
THELEN REID BROWN RAYSMAN & STEINER LLP

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/Suvashis Bhattacharya/  
Suvashis Bhattacharya  
Reg. No. 46,554

THELEN REID BROWN RAYSMAN & STEINER LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel. (408) 292-5800  
Fax (408) 287-8040